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Name: **Mr. Michael Ball**Facsimile No.: **1-703-872-9363**Company: **U.S. Patent Office Examining
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Number of Pages (including this page): 12

Telephone No.: 1-703-308-2058

From: **Patricia Ann Merrill**

Send copies to:

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Message:**Re: USSN 09/859,228, Filed May 16, 2001
James E. McGuire, Jr.**

Further to our telephone conversation today, attached are copies of the Request for Reexamination and the Petition for one-month extension of time for the above application.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, BOX PCT/IPEA/US, Attention: Ms. Wendy Boss at facsimile number 703-872-9363 on the date shown below.

April 2, 2003
Patricia Ann Merrill

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Received from <312 269 1571> at 4/2/03 5:10:16 PM [Eastern Standard Time]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James E. Mc Guire, Jr.)Atty. Docket:013013026172
)
Serial No.: 09/859,228)Art Unit: 1733
)Examiner: John L. Gallagher
Filed: May 16, 2001)
)
Title: ADHESIVE SYSTEM)
)

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Mr. Michael Ball

Dear Sir:

Further to your telephone conversation today with Patricia Merrill of our office, please reconsider the Notice of Abandonment, copy enclosed, that we received for the above application.


It was never Applicant's intention to have this application lapse. On December 31, 2003, we submitted a Request for Continued Examination of this application with a Petition for a one-month extension of time and a check in the amount of \$1,324.00 to cover the costs for the Request for Continued Examination and the extension fee.

Upon review of our file, it has been discovered that the identifying indicia of another application was inadvertently placed on the Request for Reexamination form and the Fee Transmittal form. I am enclosing copies of our complete submission for your review. I am also enclosing the shipment history for Express Mailing No.

EU735826541US confirming that the package containing the RCE application and Petition for Extension of Time was timely filed. In addition, I am enclosing a copy of our cancelled check no. 1035568 confirming the payment of the requisite fees.

Please review this material and contact Ms. Merrill at 312-269-4244 at your earliest convenience with your suggestions on how to rectify this error in order to vacate the Notice of Abandonment for this application.

Respectfully submitted,


Joseph H. Golant
Registration No., 24,210

JONES DAY
77 West Wacker
Chicago, Illinois 60601-1692
312-269-1534



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,228	05/16/2001	James E. McGuire JR.	013013-026-172	2379

28104 7590 03/27/2003

JONES DAY
77 WEST WACKER
CHICAGO, IL 60601-1692

EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 03/27/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

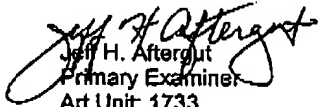
Notice of Abandonment	Application No.		Applicant(s)	
	09/859,228		MCGUIRE, JAMES E.	
	Examiner		Art Unit	
	Jeff H. Aftergut		1733	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

 Failure to timely file a notice of appeal. Further communication in this application can be directed to Jeff Aftergut at 703-308-2069.


 Jeff H. Aftergut
 Primary Examiner
 Art Unit: 1733

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PTO/SB/17 (10-02)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**1,324.00****Complete if Known**

Application Number	09/548,043
Filing Date	April 12, 2000
First Named Inventor	Michael R. Cosley
Examiner Name	Christopher Mark Atkinson
Art Unit	3743
Attorney Docket No.	560043620497

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

10-1202

JONES, DAY, REAVIS & POGUE

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 740	2001 370	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 510	2003 255	Plant filing fee	
1004 740	2004 370	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
37	-20** = 17	18	306
5	-3** = 2	84	168

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 260	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**474.00**

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity, Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	110.00
1252 400	2252 200	Extension for reply within second month	
1253 920	2253 460	Extension for reply within third month	
1254 1,440	2254 720	Extension for reply within fourth month	
1255 1,860	2255 980	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,280	2453 640	Petition to revive - unintentional	
1501 1,280	2501 640	Utility issue fee (or reissue)	
1502 480	2502 230	Design issue fee	
1503 620	2503 310	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 740	2809 370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 740	2810 370	For each additional invention to be examined (37 CFR 1.129(b))	
1801 740	2801 370	Request for Continued Examination (RCE)	740.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**850.00****SUBMITTED BY**

Name (Print/Type)

Joseph H. Golant

Registration No.
(Attorney/Agent)

24,210

(Complete if applicable)

Telephone 312-269-1534

Signature

Date 12/31/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Please indicate receipt of
the below-identified paper:

- ☒ RCE
New application for James E. McGuire
☐ Foreign priority already claimed. Specification _____ Pages _____
Continuation/CIP/Divisional - (Circle One) Drawings _____ Sheets _____
☐ Response to Off. Act. dated _____ ☐ Fin. Rej.
☒ Other Fee Transmittal; Check for \$1,324.00; Request for Continued
Examination; Petition for one-month extension of time
☐ Assignment enclosed ☐ Cert. of Timely Mailing ☒ Express Mail

Identification of Application:

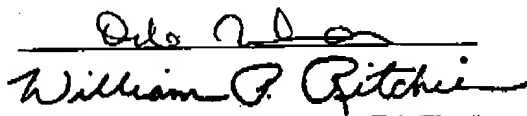
Serial No. 09/548,043Title ADHESIVE SYSTEMApplicant James E. McGuireClient Avery Dennison RF-01-1Carn. No. 013013-026-172Atty. Pat MerrillMailed 12/31/2002

Filed _____

Due Date 12/31/2002**ONES, DAY, REAVIS & POGUE**7 WEST WACKER DRIVE
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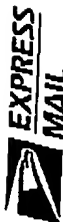
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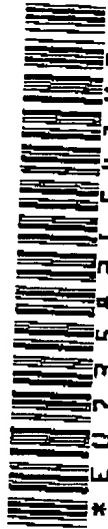
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